

1. ARRL has relentlessly pursued the widening of data bandwidth, despite wide spread opposition by the majority of amateur radio operators, including technical experts and major engineering firms that rely on amateur radio for a source of trained technical experts. This has been ongoing since 2013 with RM-11708/NPRM 16-239, and more recently with RM-11828 and RM-11759, and also in requests for STA's in natural disasters to temporarily allow expanded data usage that was either not ever used or was shown to be primarily for propaganda purposes while providing minimal impact (see comments in PSBHS 17-344, for example). ARRL's digital aggression favors a single pseudo-commercial email system, Winlink, that operates as a way to improperly commercially bypass other commercial services (**§97.113(a)(5)**) and does not provide a way for others to eavesdrop the communications (**violations** of FCC rules). [e.g., ref. DA 13-1918 ¶ 6 and footnote 19, and see 2019 NYU PDR]

2. The continual efforts by ARRL in its data aggression began in 1995 when DA 95-2106 was **implemented** by the Commission, referencing "Pactor" modulation. The use of "Pactor" in FCC rules has been ambiguous and has enabled newer, effectively encrypted versions of Pactor, to be used improperly. The ARRL has continued to attempt to increase the baud rate and access of these **newer** versions of Pactor, and other modes, through its aggressive actions at the FCC, including RM-11708 (and the resulting NPRM 16-239 which failed to address public concern about unlimited bandwidth, commercial use, transmissions that could not be monitored, bypassing of other commercial means, and other violations that stem from these key problems in the amateur radio service).

3. The FCC has historically called for the amateur radio service to be non-commercial in nature, to be open for all, and to never be used to bypass other regularly available communication systems, such as the internet or commercial email. The FCC has been clear that Citizens Band and Amateur Radio never have any expectation for privacy (see: <https://www.fcc.gov/consumers/guides/interception-and-divulgence-radio-communications>). Rank and file amateur operators, leading technical experts who are amateur operators, leading companies, and the majority of amateur radio operators in general have repeatedly, over the past seven years, urged the FCC to reject RM 11708 and NPRM 16-239 and to reject the ARRL's continual pursuit for widening the bandwidth of data while **ignoring** the inability to intercept, for meaning, the content of messages in the amateur radio service and **ignoring** the frequent bypassing of other commercial email services. Several commenters, including modem expert Nelson Sollenberger, have demonstrated to the Commission that Pactor 2, 3, and 4 are not properly documented to allow others to build a decoder. This fundamental problem must be addressed by the Commission before considering any expansion of data modes (see Marcus Ex Parte 2020) [Feb. 19, 2020 <https://ecfsapi.fcc.gov/file/10220061511514/ex%20parte%202%2020.pdf>]

4. ARRL claims that Winlink network content now is all decodable it is not. Only that content that is Winlink2K software-sourced is decodable. Decoding has been developed and offered for only Winlink2K software via either SCS/Pactor or sound card modems. However, at this time, there are no generic decoders for other software widely used by the Winlink system network; including VARA, ARDOP and WINMOR. So, even if Winlink compression is turned off and SCS can decode over the

air data, the amateur radio service still has the problem that much of the email content that is transmitted via the Winlink network remains obscured to any viable attempt to monitor it over the air. We believe Winlink still regularly violates FCC rules and does not make its email traffic public, either over the air or over a real time viewer. The small development team charges a donation of \$25 per software seat and even its own users of the software cannot intercept other messages over the air for meaning using the popular/standard protocol settings. There are many documented violations in the record.

5. NYU filed a Petition for Declaratory Ruling in 2019, which had the widespread support of technical experts from a wide range of areas and experiences. The FCC should do nothing with regard to the ARRL's **request** for expanded data services until first clarifying rules for proper documentation to enable open **transmissions**, to ensure there is no regular bypass of other commercial services, and to be sure that all traffic is hobby-like and not business communications. Without open, over the air decoding, it is impossible for the amateur radio service to self-monitor and self-police its spectrum, thus the FCC **must first address** these issues in RM-11831 and the NYU PDR **before** considering the ARRL.

6. The ARRL's continual neglect of widespread rejection of its position, and its failure to consider technical expert opinion, shows that it cannot be viewed as a trusty vanguard of the amateur radio service spectrum. With a paid membership of only 20% of the US amateur **radio** license population, it hardly represents a powerful view of the constituents in the hobby.

7. The March 30, 2020 Ex Parte Filing of the ARRL **further ignores** its own board of directors, who specifically stated in Summer 2019 in its published board meeting notes that any data expansion should only occupy subbands, and should ensure that messages are not encrypted. This further demonstrates the ARRL's lack of concern for the wide constituency of **amateur** operators as well as its own elected board of directors.

8. The FCC must not do anything with regard to WT Docket 16-239 or RM-11828 until it rules on NYU's PDR and on RM-11831, and acknowledges the current skirting of the rules, based on comments of record by amateur operators, companies, technical experts in RM-11708, WT Docket 16-239, RM-11831, and the NYU PDR.

Proposed interim compromise (both must be done simultaneously while ruling on above items, as a bandplan is needed to prevent data from overrunning other narrowband modes at HF):

- Change NPRM 16-239 to have a 2.2 kHz bandwidth limit for data in HF bands to replace the 300 baud rate regulation (and do not alter the bandwidth limit until RM-11831 and NYU PDR are addressed and codified).

- Implement the band plan for HF data recommended by the January 20, 2020 Report of ARRL HF Band Planning Committee (but was not approved by ARRL Board).

[http://www.arrl.org/files/file/25%20HF%20Bandplanning%20Cmte%20FINAL%20\(d\).pdf](http://www.arrl.org/files/file/25%20HF%20Bandplanning%20Cmte%20FINAL%20(d).pdf)

[http://www.arrl.org/files/file/25%20Appendix%20BP%20Committee%20Recs%20FINAL%20\(h\)\(1\).pdf](http://www.arrl.org/files/file/25%20Appendix%20BP%20Committee%20Recs%20FINAL%20(h)(1).pdf) 80m segment is shown below:

80 meters

